SUPREME COURT, U. S.

No. 71-180

AUG 26 1971

E. ROBERT SEAVER, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1971

VINCENZO and GIUSEPPA SPATA, PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,

Department of Justice,
Washington, D.C. 20530.

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner Vincenzo Spata is a concededly deportable alien of Italian citizenship who entered the United States in 1964 as a visitor for pleasure. The opinion of the Second Circuit below (Pet. App. A) succinctly sets forth the "somewhat complicated procedural steps which have taken place over the years" prior to the issuance of an order of deportation against him, and shows that petitioner's novel claim to be put in a special class of aliens permitted to re-

main in this country until visas become available for them is without merit.[1]

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

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[1] As noted by the court below, petitioner's wife, Guiseppa, was not a party to the deportation proceeding and her rights are not before this Court.

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